

Revised: April 22, 2021

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		:
MICHELLE MELENDEZ		:
	Plaintiff(s),	: No. 1:22cv-01869(JGK)
		:
-against-		:
		:
BATH & BODY WORKS, LLC AND		:
BATH & BODY WORKS, INC.		:
	Defendant(s).	:
		:
-----X		:

REPORT OF RULE 26(f) MEETING AND PROPOSED CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on 3/29/2022 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues

Plaintiff:

Plaintiff brings this strict products liability action to recover damages sustained from a defective candle
designed, manufactured, and distributed by Defendants.

Defendant:

Defendant denies plaintiff's product liability claims. Defendant will assert product misuse and comparable fault.
Defendant also refers to the affirmative defenses asserted in their answer.

2. Basis of Subject Matter Jurisdiction: 28 U.S.C. §§ 1441 and 1446

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3. Subjects on Which Discovery May Be Needed

Plaintiff:

Discovery will be needed on the design, manufacture, and inspection processes for Defendant's product.

Discovery of Defendant's expert

Defendant:

Discovery on the subject product and circumstances of the incident. Inspection of the subject product.

Information regarding plaintiff's alleged injuries. Discovery of plaintiff's experts.

4. Initial Disclosures

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on 4/15/2022. In addition, on 5/2/2022, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on 4/15/2022. In addition, on 5/2/2022, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

5. Formal Discovery

The parties jointly propose to the Court the following discovery plan:

a. All fact discovery must be completed by 10/3/2022.

b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

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provided that the parties meet the deadline for completing fact discovery set forth in 5(a) above.

- i. Depositions: Depositions shall be completed by 07/29/22 and limited to no more than _____ depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before 4/20/2022. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before 7/1/2022.
- iv. Requests for Production: Initial requests for production were/will be exchanged on 4/20/2022 and responses shall be due on 5/20/2022. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

No anticipated discovery disputes

7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? No
- b. Last date to amend the Complaint: TBD

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8. Expert Witness Disclosures

At this time, the parties ☒ do /do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by ___ All Expert Disc by 2/15/2023 Plt Report by 11/1/2022 Deft Reports by 12/1/2022 ___

9. Electronic Discovery and Preservation of Documents and Information

a. Have the parties discussed electronic discovery? n

b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? _____

c. Do the parties want the Court to enter a Rule 502(d) Order? (see [Rule 502\(d\) Order](#))

Yes _____ No ⁿ _____

d. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

No

10. Anticipated Motions

Deft anticipate a potential motion for Summary Judgment

11. Early Settlement or Resolution

The parties have ☒ have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than TBD. The following information is needed before settlement can be discussed:

Written discovery and depositions to be completed.

12. Trial

a. The parties anticipate that this case will be ready for trial by April 2023.

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b. The parties anticipate that the trial of this case will require 10 days.

c. The parties do do not (circle one) consent to a trial before a Magistrate

Judge at this time.

d. The parties request a jury/bench (circle one) trial.

13. Other Matters

N/A

Respectfully submitted this 30th day of March, 2022.

ATTORNEYS FOR PLAINTIFF(S):

/s/ Benjamin C. Curcio

ATTORNEYS FOR DEFENDANT(S):

/s/ Matthew G. Miller